

September 21, 2005

**Issues Regarding Future Development  
of Delaware River PCB TMDLs**

PCB Criteria in the Delaware River (µg/l)

= in place

	Zones 2 through Upper Zone 5	Lower Zone 5	Zone 6
DRBC (current)	0.000044	0.0000079 (drives Stage 1)	N/A
DRBC (developed, not proposed)	0.000016	0.000016	0.000016
Delaware	0.000064 (defers to DRBC)	0.000064 (defers to DRBC)	0.000064 (defers to DRBC)
New Jersey	0.00017 (defers to DRBC)	0.00017 (defers to DRBC)	0.00017 (defers to DRBC)
New Jersey wildlife criteria (not adopted or promulgated)	0.000072	0.000072	0.000072
Pennsylvania	0.000044 (↑stringent w/DRBC)	N/A	N/A

\*EPA's current 304(a) recommendation for the protection of human health from PCBs is 0.000064 µg/l.

**Issues**

1. Develop the Zone 6 TMDL by December 15, 2006 (per consent decree) using the current most stringent criterion which is DE's 64 pg/l. **However, there are tidal influences between Zones 5 and 6 and the Zone 6 TMDL would have to target the lower Zone 5 WQS of 7.9 pg/L.** (Fyi, Stage 1 TMDL for Zones 2-5 targets 7.9 pg/l.)

2. Based on #1 above, DRBC would like to revise their WQS by Dec. 2006 and adjust Zones 2- 5 criteria to equal 64 pg/l which would result in a uniform WQS for the estuary. This would allow the Zone 6 TMDL to be based on 64 pg/L and makes the target for the Stage 2 Zones 2-5 TMDL less stringent than the Stage 1. **DRBC does not address how this could work given PA's regs which currently would require that PA's more stringent WQS of 44 pg/l be met in Zones 2-4.**
3. If DRBC cannot revise their WQS for Zones 2-5 PCBs to 64 pg/L by December 2006, then DRBC proposes "suspending" the PCB *criteria for lower Zone 5* in order to be able to use DE's 64 pg/L as *the basis of the Zone 6 TMDL*. **The legal effect of "suspending" the DRBC WQS is not stated.**
4. DRBC wants EPA to establish the NJ-DE Zone 6 TMDL with Dec. 15, 2006 deadline.
5. DRBC wants to establish a Stage 2 TMDL to include Zone 6 (change) by Dec. 2008 (a change). DRBC states that for this Stage 2 TMDL, use 5 yrs. of PMP data, additional ambient data, and a LT compliance schedule to ensure that numeric limits WQBEL, if used, are realistic and achievable, consistent with the TMDL and CWA.
6. NJ's wildlife WQS are not in effect but these could be the most stringent target that has to be met. NJDEP published the proposed revisions to the NJSWQS on September 19, 2005. This proposal did not include the wildlife criteria as adoption of the wildlife criteria is on a separate track, subject to the development of implementation procedures.